

SENATE JUDICIARY
2/4/11
SB 175

Amendments to Senate Bill No. 175
1st Reading Copy

Requested by Senator Jim Peterson

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 3, 2011 (7:57am)

1. Page 2, line 1.

Following: "(2)"

Insert: "(a)"

2. Page 2, line 3.

Following: "party."

Insert: "(b)"

Following: "officeholders"

Insert: "and who shall be appointed in equal number by the majority and minority leaders of each house"

3. Page 2, line 4.

Following: line 3

Insert: "(c) There shall be attorneys on the commission. The number of commissioners who are attorneys may not exceed one-half of the number of commissioners who are not attorneys.

(d) There shall be one commissioner who is a member of the judiciary. The judicial commissioner shall chair the commission and may not vote on any candidate."

4. Page 2, line 5.

Following: "3 years."

Insert: "If the governor fails to appoint a justice or judge within thirty days after receipt of the list of candidates, the chief justice or acting chief justice shall make the appointment from the same list within thirty days of the governor's failure to appoint.

(4)"

Renumber: subsequent subsections

5. Page 2, line 14.

Following: "composition"

Insert: ", terms,"

- END -

(a)

and who shall be appointed in special numbers the majority and minor leaders of each house

(2) Candidates for each open office of supreme court justice or district court judge shall be screened by a merit selection commission. The commissioners shall be state residents and may not hold office in any political

party. A majority of the commissioners shall be lay members who are neither attorneys nor elected officeholders.

(3) The commission shall forward a list of candidates to the governor. The governor shall appoint a

justice or judge from the list for an initial period not to exceed 3 years. During the initial period of appointment,

an appointed justice or judge who desires to remain in office shall stand for retention for a full term at a general

election.

(5) A justice or judge who desires to remain in office after serving a full term shall stand for retention for

a subsequent term at a general election.

(6) A judicial performance evaluation shall be conducted and disseminated to the public prior to each

retention election. If the justice or judge is not retained, the office shall become open at the end of the year in

which the election is held.

(7) The procedures for screening, appointment, evaluation, and retention elections and for the

composition and procedures of the merit selection commission shall be as provided by law."

NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 3. Two-thirds vote required. Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

NEW SECTION. Section 4. Effective date. If approved by the electorate, [this act] is effective July 1, 2013.

NEW SECTION. Section 5. Applicability -- retroactive applicability. (1) [This act] applies to the selection of supreme court justices and district court judges to and the retention of supreme court justices and district court judges in office for terms that begin on or after [the effective date of this act].

(2) [This act] applies retroactively, within the meaning of 1-2-109, to the selection of supreme court